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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

RAYMOND CHRISTIAN, et al,

Defendants.

12 Cr. 626 (ER)

**DEFENSE PRETRIAL MOTIONS ON BEHALF
OF DEFENDANT GLENN THOMAS**

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June 26, 2013

**VIA FACSIMILE (212) 805-7943
AND ELECTRONIC FILING**

Honorable Edgardo Ramos
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Christian, et al*, 12 Cr. 626 (ER)
Our Client: Glenn Thomas

Dear Judge Ramos:

At the May 10, 2013 status conference in this matter Your Honor set a June 28, 2013 date for the filing of defense motions. We had understood (or misunderstood) counsel for co-defendant Williams to be applying *on behalf of all defendants* for a two-week extension (to July 12, 2013) of that date. It appears, however, if I am reading Your Honor's endorsement of the Williams letter application (ECF 44) correctly, that the two-week extension applies only to defendant Williams.

This motion letter, accordingly, is submitted on behalf of my client, defendant Glenn Thomas.

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PRELIMINARY STATEMENT

Your Honor has set a November 4th trial date in this case. The case centers almost entirely on the events of the early morning hours of December 15, 2010. At that time, it is alleged, Jeffrey Henry was shot during the attempted robbery of a drug den located at 54 Chambers Street, Newburgh, New York. All of the defendants are in custody.

MOTIONS

The motions we make on behalf of Glenn Thomas are as follows:

1. We request notice of all 404(b) evidence by September 5, 2013 (60 days before trial). The Government has not indicated to date that it has any such evidence it intends to offer against Thomas and we are not aware of any. The September 5th date will give us adequate time to challenge the admissibility of any such proposed evidence and to plan appropriately for trial.

2. We request that Jencks Act material under 18 U.S.C. § 3500 be furnished to counsel by not later than Friday, October 4, 2013 at 4:00 p.m. The prosecutors have advised that they intend to request that no copies of Jencks Act material be left with clients at their places of confinement. (Mr. Thomas is incarcerated at Valhalla). Accordingly, defendant Thomas will only be able to review such materials in counsel's presence when counsel visits him at Valhalla. I will be away out of the country

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from October 19th through and including October 26th. Given the time commitment of counsel that will be necessary for Mr. Thomas himself to be able to review this material and meaningfully assist in his defense, we believe the setting of an October 4th date to be appropriate. We have chosen October 4th, a Friday, because it will provide us with an additional weekend to be able to review these important materials with our client.

3. We request permission to defer *Bruton* motions until after the presently scheduled September 11, 2013 conference in this matter by which time it may be clearer which defendants are going to trial. We request that by the time of the September 11th conference, the Government disclose to us which, if any, statements of co-defendants made to agents of the government it intends to offer at a joint trial.

4. We respectfully join in and incorporate by reference any pre-trial motions made by or on behalf of co-defendants (including such motions as may hereafter be made by or on behalf of co-defendant Williams) to the extent that such motions would be applicable to our client, Glenn Thomas.

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Thank you for your consideration of these motions.

Respectfully submitted,

A handwritten signature in cursive script, reading "Don Buchwald".

Don D. Buchwald

DDB:lgs

cc: AUSA Andrew Bauer (via email and ECF)
Defense Counsel (via ECF)